

Exhibit “A”

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS

Case No. 1:23-cv-00064-RP

CHRISTOPHER SADOWSKI,

Plaintiff,

v.

TEXAS INSIDER, INC.,

Defendant.

---

**DECLARATION OF CHRISTOPHER SADOWSKI**

Christopher Sadowski does hereby declare pursuant to 28 U.S.C. § 1746:

1. I am over the age of 18 and otherwise competent to testify. I make the following statements based on personal knowledge.
2. I am the Plaintiff in the above-styled matter.
3. I am an award-winning photojournalist and am widely published in some of the world's most important newspapers and magazines, including but not limited to, the New York Post, Daily Mail Online, Reader's Digest, USA Today, New York Times, Fox News, CBS News, NBC News, Boston Globe, Boston Herald, Los Angeles Times, Newsweek Magazine, and People Magazine.
4. For the past nineteen (19) years, I have been self-employed as a professional photographer who specializes in photo-documenting ordinary life and the human condition.
5. I travel throughout the New York, New Jersey and Connecticut tri-state area taking photographs that tell a story about tragedy, hope, calamity, joy, discord and renewal.
6. Using state-of-the-art equipment, I create high-end photography licensed by some

of the top publishers in this country. When commissioned for a job, I spend countless hours capturing hundreds of photographs and then processing those photographs to ensure they meet customers' requirements.

7. I maintain a commercial website (<http://www.csnyphoto.com>) which describes the photography services offered by me, hosts a sample portfolio of photographs taken by me, and invites prospective customers to contact me to arrange for a professional photo shoot.

8. I own each of the photographs available for license on my website and serve as the licensing agent with respect to licensing such photographs for limited use by my customers. To that end, my standard terms include a limited, non-transferable license for use of any photograph by the customer only. My license terms make clear that all copyright ownership remains with me and that my customers are not permitted to transfer, assign, or sub-license any of my photographs to another person/entity.

9. In 2022, I created a professional photograph (titled "040322immigrantsflight1CS") (the "First Photograph") of a World Atlantic Airlines airplane on the tarmac of Westchester County Airport.



10. In 2022, I created a professional photograph (titled “041422immigrants7CS”) (the “Second Photograph”) of a bus driving on a highway into New Jersey.



11. The First Photograph and the Second Photograph are collectively referred to herein as the “Work.”

12. The Work was registered by me with the Register of Copyrights on June 30, 2022, and was assigned Registration No. VA 2-307-399.

13. Defendant Texas Insider, Inc. (“Defendant”) is not and has never been licensed to use or display the Work. Defendant never contacted me to seek permission to use the Work in connection with its website or Facebook page or for any other purpose.

14. Through my ongoing diligent efforts to identify unauthorized use of my photographs, I first discovered Defendant’s unauthorized use/display of the Work (described in the Complaint) in approximately August 2022.

15. I created the Work pursuant to a Freelance Photographer Independent Contractor

Agreement with NYP Holdings, Inc. (the publisher of the New York Post). The New York Post does not pay me to license individual photographs created as part of an assignment, but rather pays me an all-inclusive rate for such assignments. I retain full ownership of the photographs I create and make those photographs available to license to other media outlets and generally to the public.

16. My recent licensing history with respect to the commercial use of my professional photographs include the following:

Date	Licensee	Description	Amount
7/21/2019	Daily Mail	El Chapo photograph	\$650.00
7/9/2020	CBS Broadcasting	Michael Cohen photograph	\$1,800.00
7/9/2020	Fox News	Michael Cohen photograph	\$2,100.00
7/22/2021	Fox News	NYC prostitutes on side of street	\$675.00
10/20/2021	Fox News	Immigrants arriving on plane	\$2,000.00

17. The photographs at issue here captured dozens of immigrants being secretly transported and flown into New York. The photographs were utilized by the New York Post (in addition to various other captured by me) in an article titled “Biden secretly flying underage migrants into NY in dead of night” (<https://nypost.com/2022/04/20/still-more-secret-migrant-flights-why-is-biden-keeping-this-off-the-books/>) that received national print and television coverage. I am credited in the article as the author of the Work.

18. The Work is extremely scarce and valuable. To capture the photographs I did on this night – including the Work, I situated myself in the right place at the right time (based on a tip from a confidential source) to capture a tremendously newsworthy series of photographs that

received national attention.

19. The photographs I captured, including the Work, are scarce and cannot be recreated.

20. In fact, a Google Images search for “Biden immigrant secret flights” ([https://www.google.com/search?q=biden+immigrant+secret+flights&sxsrf=ALiCzsYWbJDPcNI36qngGok0sPAI2XV96g:1670717681667&source=lnms&tbm=isch&sa=X&ved=2ahUKEwj96r2vpPD7AhVCneAKHX5SD6gQ\\_AUoA3oECAEQBQ&biw=1201&bih=1280&dpr=1#imgrc=-9GXPK-ZoQNjdM](https://www.google.com/search?q=biden+immigrant+secret+flights&sxsrf=ALiCzsYWbJDPcNI36qngGok0sPAI2XV96g:1670717681667&source=lnms&tbm=isch&sa=X&ved=2ahUKEwj96r2vpPD7AhVCneAKHX5SD6gQ_AUoA3oECAEQBQ&biw=1201&bih=1280&dpr=1#imgrc=-9GXPK-ZoQNjdM)) results in very few (if any) relevant photographs that were not captured by me on that particular night.

21. Based on my normal licensing rates and the type of use at issue here (online publication), I would have licensed the Work to Defendant for, at minimum, a \$3,000.00 annual license fee, for each photograph. Indeed, as shown above, I previously licensed photographs from within the same set to Fox News to re-use (one-time only) for \$2,000.00 and \$4,000.00, respectively. Because Defendant displayed the Work from at least April 2022 through at least August 2022, Defendant would owe me at least 1x annual licensing fees (as I do not prorate my work) in a total amount of **\$3,000.00.**

22. The ability of Defendant to reproduce, modify, distribute and display my photography for Defendant’s own commercial benefit without compensation to me greatly impairs the market value of my work since others competing with that business, or in related business areas, will not want to obtain a license to my work if they are already associated with a competing business. Similarly, potential licensees of my copyrighted photographs will not want to pay my license fees if they see other commercial enterprises taking and using my photographs for their own commercial purposes without paying any fee at all.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: 4/14/2023

*Christopher Sadowski*

ID hxgjCns1Sed4heZKMTRat9sV

Christopher Sadowski



## eSignature Details

---

<b>Signer ID:</b>	<b>hxgjCns1Sed4heZKMTRat9sV</b>
Signed by:	Christopher Sadowski
Sent to email:	csnyphoto@gmail.com
IP Address:	174.202.226.214
Signed at:	Apr 14 2023, 2:47 pm EDT